

**Hong Kong Fleet Operation Advisory Committee**

**Proposal to Delegate the Director of Marine's Power of Exemption**

**Purpose**

The purpose of this paper is to seek member's views and supports on the proposal of delegating the power of Director of Marine ("DM") to other Hong Kong Marine Department ("MD") officers for granting exemption.

**Background**

2. From time to time, Hong Kong registered ships encounter system or equipment malfunctions and other deficiencies which render the ships under the condition of not fully complying with certain international and Hong Kong statutory requirements. When such deficiencies could not be rectified due to practical difficulties, such as non-availability of service providers and spare parts prior to ship's departure, the company may apply for exemption from the compliance with the relevant requirements so that the ship could further proceed to sea.

3. According to the Hong Kong legal requirements, such exemptions are needed to be granted by DM. The existing practice is that when MD receives an application for exemption, MD surveyors will assess the risks, impose necessary measures, and seek DM's approval should the case so warrant. The internal approval procedure takes additional time, especially during non-office hours.

**The Proposal**

4. Timely handling of exemption applications by MD is paramount in avoiding possible delays in ship schedules and unexpected or prolonged port State detentions. Taking into account the global nature of trade that spans over many time zones and the need of prompt approval of these exemption applications, MD proposes to streamline the exemption approval mechanism by delegating the exemption power of

DM to other professional officers possessing the expertise and qualification for granting exemptions.

5. The delegation will be achieved by amending the Schedule to the Specification of Public Offices Notice (Cap.1C) to include relevant exemption provisions stipulated under various local legislation. If everything goes smoothly, it is expected that the delegation of exemption power by DM will come into force by end of this year.

6. In order to both better facilitate smooth operation of ships and their companies, and to ensure vessel's seaworthiness and the safety of crew, MD will put in place a detailed internal mechanism setting out the level and rank of officers delegated for each type of exemptions, depending on the complexities and risk involved in each case.

### **Consultation**

7. Members' supports and/or views are sought on MD's proposal of delegating the DM's power of exemption.

Marine Department  
Shipping Division  
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